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June 1, 2012

BY ECF

Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Persico, et al., 10 Cr. 147 (SLT)

Dear Judge Townes:

We write on behalf of all defense counsel to alert the Court of the extraordinary volume of Jencks and Brady material that the government has been haphazardly providing over the last few weeks, and to request that opening statements commence no earlier than June 25, 2012, in order to give us adequate time to review the material. If the Court requires us to commence trial any sooner, the defendants will be deprived of the opportunity to make effective use of the Brady/Giglio information. Moreover, we will have no choice but to request lengthy continuances during the trial in order to review witnesses' § 3500 material prior to cross-examination.

<u>Witness:</u>	<u>Date received</u>	<u>Approx. Volume of material</u>
Steven Marcus	05-01-12	5,000 pages
Dino Basciano	05-10-12	2,000 pages, hundreds of hours of recordings
Dino Basciano (add'l)	05-26-12	500 pages
Kenneth Geller	05-10-12	1,000 pages, add'l 50+ recordings
Joseph Iborti	05-10-12	1,000 pages
Reynold Maragni	05-15-12	1,000 pages, more than 2,000 recordings
Dino Calabro	05-23-12	1,000 pages, 700 recordings
Peter Tagliavia	05-23-12	1,000 pages
Peter Tagliavia (add'l)	05-25-12	more than 2,800 recordings
Salvatore Mangiavillano	05-23-12	1,500 pages

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Christopher Prince	05-24-12	500 pages
Christopher Prince (add'l)	05-25-12	more than 200 recordings
Anthony Russo	05-24-12	1,000 pages
Thomas McLaughlin	05-26-12	more than 2,500 recordings
Thomas McLaughlin	05-27-12	2,000 pages

We also received on May 26, 2012, thousands of pages of Brady/ Giglio material with respect to Frank Sparaco, an individual who has been acting as a confidential informant and/or a cooperator since 1987. We received additional Brady/ Giglio disclosures on May 21, May 23, May 27, May 31, and June 1, 2012, that we need the opportunity to explore.

Additionally, the government provided a massive dump of material on May 26, 2012, ostensibly for the following witnesses:

Chance Adam
Ray Andjich
Johnathan Arden
Dino Basciano
Gary Bogle
Dino Calabro
Margaret Carmichael
Jeff Carrie
William Chesney
Rusty Colon
Linda Crowder
Scott Curtis
Vincent D'Agostino
John DeGuilo
Alice Delucia
Gaetano Fatato
Martin Finkelstein
Kenneth Geller
Joseph Iborti
James Kileen
Donald Kornek
Guiliano La Rocca
Mark Little
Salvatore Mangiavillano
Jeremy Marcus
Steven Marcus
Christopher Mariani
Thomas McLaughlin
Michael McQuoid

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Bradley Minkovitz
William Mulrein
Erik Nesbitt
Robert Nuendorf
Kevin O'Rourke
Christopher Prince
Nicholas Quarantello
Anthony Russo
Lynn Smith
Steve Testa
Matthew Tormey
Joseph Vollaro
Steven Weishaupt
Kevin Wevadau
Jeff Young

We continue to receive additional § 3500 material on a near daily basis.

In addition to the Jencks and Brady disclosures enumerated, the government has produced transcripts of numerous recordings they wish to introduce, most recently on May 29, 2012. We have not yet had the opportunity to review the vast majority of them yet for accuracy, but as to the ones we have reviewed, there are significant errors which must be corrected before transcripts can be provided to jurors and/or alternate transcripts will have to be prepared for submission by the defense. This is an exceptionally laborious task and takes a significant amount of time.

As the Court knows, we have been working extremely diligently to begin trial as expeditiously as possible. The government's belated disclosures, however, require us to request additional time. If counsel is not afforded adequate time to review the materials and make effective use of the Brady disclosures, the defendants will be deprived of their right to a fair trial.

Respectfully submitted,

Sarita Kedia
Paul Shechtman

cc: All counsel